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Supreme Court, U.S.
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No. 08-401

In The
Supreme Court of the United States

DR. ROLAND ONAWOLA

Petitioner

v.

JOHNS HOPKINS UNIVERSITY, JOHNS HOPKINS UNIVERSITY BOARD OF TRUSTEES, PRESIDENT WILLIAM BRODY, DEAN MICHAEL KLAGG, FORMER DEAN ALFRED SOMERS, DR. JONATHAN SAMET, DR. KATHY HELZLSOUER, DR. GEORGE COMSTOCK, DR. ROSA CRUM, DR. GENEVIEVE MATANOSKI, DR. TAHA TAHA, DR. LISA JACOBSON, MS. FRANCES BURMAN

Respondents

On Writ Of Certiorari
To the United States Court of Appeals
For the Fourth Circuit

SUPPLEMENTAL BRIEF FOR PETITIONER

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NEW ISSUE OF RESPONDENTS WAIVING AND FORFEITING THEIR RIGHTS TO OPPOSE THE PETITION

Pursuant to Supreme Court Rule 15.8, Petitioner Dr. Roland Onawola humbly files this Supplemental Brief to address the new issue of Respondents waiving and forfeiting their rights to oppose my Petition for Writ of Certiorari.

This new issue has arisen from Respondents' failure to file a Brief in Opposition. As of November 11, 2008, that is, 13 days past the filing deadline of October 29, 2008, and after the Petition had been distributed to the Court by the Clerk, Petitioner had not received notice from Respondents that they have filed a Brief in Opposition, and the Court's Docket did not indicate that Respondents have filed the document.

I humbly submit that, by failing to raise any opposition to the Petition through a Brief in Opposition, Respondents have waived and forfeited their rights, and should henceforth be precluded from ever raising such opposition.

This suggestion is based on Supreme Court Rule 15.2, which, in relevant parts, reads: "Any objection to consideration of a question presented based on what occurred in the proceedings below, if the objection does not go to jurisdiction, may be deemed waived unless called to the Court's attention in the brief in opposition."

Further, the Court has consistently enforced Rule 15.2. For instance, in *Aetna v. Davila*, the Court held: "Respondents did not identify this possible argument in their brief in opposition to the petitions for certiorari, and we deem it waived. See this Court's Rule 15.2." *Aetna Health Inc., et al. v. Davila*, 542 U.S. 200, 212 (2004).

Similarly, in *United States v. Bean*, the Court held that a certain claim "is waived, as respondent raised it for the first time in his brief on the merit to this Court." *United States v. Bean*, 537 U.S. 71, 75 (2002).

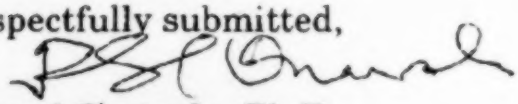
See also *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 75 (1996).

Since Respondents have waived and forfeited their rights to oppose the Petition, they have, in effect, conceded all the questions, facts, issues and arguments presented in my Petition.

CONCLUSION

For the reasons presented above and in the Petition, I humbly urge the Court to rule in my favor on all questions, facts, issues and arguments presented in my Petition, and to reverse the rulings of the lower courts.

Respectfully submitted,



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Phone 650-255-0047, November 11, 2008